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Dated: July 13, 2006

Signature:

Shawn P. Foley
Shawn P. Foley

Docket No.: TEVIDR 3.0-108 CIP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sandor Solyom, et al.

Application No.: 10/771,847

Confirmation No. 9738

Filed: February 3, 2004

Art Unit: Not Known

For: NOVEL SUBSTITUTED
2, 3-BENZODIAZEPINE DERIVATIVES

Examiner:

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests that the abandonment in this case be withdrawn. The undersigned attorney has recently taken over representation of the assignee for the above application. There is no evidence in the file that an official Notice of Abandonment was ever filed by the Patent Office. Since the last PTO correspondence requiring a response contained in the file was mailed on October 25, 2004, and since there is no evidence of a response to that Notice, Applicants are proceeding with this petition under the assumption that this case is now abandoned. Enclosed is a copy of a power of attorney and a statement under 37 CFR 3.73(b).

Review of the file contents indicates that the abandonment of the application occurred without fault of Applicants. During prosecution, prior counsel for Applicant authorized the Patent Office to deduct "any necessary fees" to maintain pendency of

the application. However, the basic filing fee was never deducted.

Specifically, submitted herewith are photocopies of a Notice to File Missing Parts dated May 5, 2004 (which requested payment of the basic filing fee), a Response to the Notice to File Missing Parts dated October 7, 2004, and a Notice of Incomplete Reply dated October 25, 2004. The Notice of Incomplete Reply indicated that additional fees were due including the statutory basic filing fee. In the October 7, 2004 Response, however, Applicant explicitly authorized that "any necessary fees" should be charged to its deposit account. The subsequent Notice of Incomplete Reply contains no explanation why the Patent Office did not charge the basic filing fee to Applicant's deposit account. Nor does it state that basic filing fees cannot be paid in this manner.

In view of the foregoing, Applicant respectfully requests that the abandonment be withdrawn and that the examiner proceed with examination of this application on the basis of the copies of the papers originally filed.

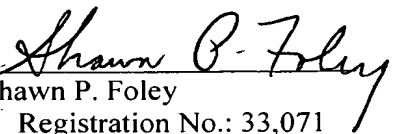
For any fees associated with the filing of the Non-Provisional application, including the statutory basic filing fee and additional claims fee, the Patent Office is authorized to charge Deposit Account No. 12-1095 therefor. Moreover, should any other fees be due in connection with this request, the PTO is authorized to charge the aforementioned deposit account.

Application No.: 10/771,847

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Dated: July 13, 2006

Respectfully submitted,

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